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2	DIANN SOKOLOFF Supervising Deputy Attorney General		
3	Susana A. Gonzales Deputy Attorney General		
4	State Bar No. 253027 1515 Clay Street, 20th Floor		
5	P.O. Box 70550 Oakland, CA 94612-0550		
6	Telephone: (510) 622-2221 Facsimile: (510) 622-2270		
7	Attorneys for Complainant		
8	BEFORE THE BOARD OF REGISTERED NURSING		
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10			
11	In the Matter of the Accusation Against:	Case No. 2013-744	
12	ANDREA LEIGH FARLEY 134 Minnewaska Trail		
13	Kerhonkson, NY 12446	ACCUSATION	
14	Registered Nurse License No. 632008	·	
15	Respondent.		
16			
17	Complainant alleges:		
18	PARTIES		
19	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her		
20	official capacity as the Executive Officer of the Board of Registered Nursing, Department of		
21	Consumer Affairs.		
22	2. On or about February 5, 2004, the Board of Registered Nursing issued Registered		
23	Nurse License Number 632008 to Andrea Leigh Farley (Respondent). The Registered Nurse		
24	License was in full force and effect at all times relevant to the charges brought in this Accusation		
25	and will expire on March 31, 2015, unless renewed.		
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JURISDICTION

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.
- 6. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

Code section 4022 provides:

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"Dangerous drug' or 'dangerous device' means any drug or device unsafe for self-use in humans or animals, and includes the following:

- "(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing without prescription,' 'Rx only' or words of similar import.
- "(b) Any device that bears the statement: 'Caution: federal law restricts this device to sale by or on the order of a ______,' 'Rx only,' or words of similar import . . .
- "(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006."
- 9. Rocephin is an antibiotic used to treat many kinds of bacterial infections, including severe or life-threatening infections such as meningitis. It is a dangerous drug as defined by Code section 4022.

COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Out of State Discipline) (Bus. & Prof. Code § 2761, subd. (a)(4))

11. Respondent has subjected her registered nurse license to disciplinary action under Code section 2761, subdivision (a)(4), in that on or about November 14, 2011, in a disciplinary action before the New York State Education Department, Office of Professional Nursing, State Board for Nursing (New York Board), the New York Board entered Original Vote and Order No.

25650, granting Respondent's application for a consent order and placing her on probation for 24 months.

- 12. The New York Board's Order required Respondent to do the following during the period of probation: (1) submit written notification to the New York Board of her employment or practice, residence, phone number, and mailing address, and any change in the foregoing; (2) not practice as a registered nurse during the first month of probation; (3) submit written proof that she paid all registration fees due and owing to the New York Board; (4) submit written proof that she is registered with the New York Board; and (5) make quarterly visits to an employee of the New York Board to ensure her compliance with the terms of her probation and comply with any of the employee's requests. The Order also required Respondent to pay a \$500 fine within the first 5 months of probation. The circumstances of the New York Board's Order are as follows:
- 13. On or about July 30, 2011, Respondent submitted an Application for Consent Order to the New York Board. In her application, Respondent admitted that she was negligent on more than one occasion in that on or about July 11, 2010, while employed and on duty as a nurse at Vassar Brothers Hospital in Poughkeepsie, New York, a physician ordered that Rocephin be administered to Respondent's patient, Patient A. Respondent erroneously administered the Rocephin to a different patient, Patient B, but stopped the administration when she realized her error. Respondent failed to note the error in Patient B's chart, and also failed to notify a supervisor of her error.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 632008, issued to Andrea Leigh Farley;
- 2. Ordering Andrea Leigh Farley to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

1	3. Taking such other and further action as deemed necessary and proper.
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4	DATED: March 13, 3013 Julie Ju
5	DATED: March 13, 3013 WLOUISE R. BAILEY, M.ED., RN Executive Officer
6	Board of Registered Nursing
7	Department of Consumer Affairs State of California
8	Complainant
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Accusation